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APPLERA CORPORATION and APPLIED
BIOSYSTEMS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BIO-RAD LABORATORIES, INC.,

Plaintiff,

v.

APPLERA CORPORATION and
APPLIED BIOSYSTEMS,

Defendants.

Case No. C 02-5946 JW

**~~PROPOSED~~ ORDER GRANTING
MISCELLANEOUS
ADMINISTRATIVE REQUEST
PURSUANT TO CIVIL LOCAL
RULES 7-10 AND 79-5 TO SEAL
DOCUMENTS FROM APPLERA'S
MOTION FOR SUMMARY
JUDGMENT ON TRADEMARK AND
RELATED CLAIMS**

Date: February 27, 2006
Time: 9:00 a.m.
Place: Courtroom 8, 4th Floor
Judge: Honorable James Ware

As set forth in Defendants Applera Corporation and Applied Biosystems Miscellaneous Administrative Request Pursuant to Local Rules 7-10 and 79-5 to Seal Documents, Applera filed with the Court the following in connection with the Declaration of Eugene Y. Mar in Support of Applera's Motion for Summary Judgment on Trademark Related Claims.

1. **Exhibit 1** is a true and correct copy of excerpts from the June 25, 2004 deposition transcript of Rick Carberry.

2. **Exhibit 2** is a true and correct copy of excerpts from the June 16, 2004 deposition transcript of John E. Lillig.

3. **Exhibit 3** is a true and correct copy of excerpts from the Oct. 14, 2004 deposition transcript of Paul Menter.

4. **Exhibit 4** is a true and correct copy of excerpts from the Nov. 22, 2004 deposition transcript of Gus Salem, in his capacity as a corporate representative of Bio-Rad Laboratories, Inc.

5. **Exhibit 5** is a true and correct copy of the June 18, 2004 deposition transcript of Gus Salem, in his personal capacity.

6. **Exhibit 8** is a true and correct copy of a letter from T. Smurzynski to R. Carberry and attached Trademark Research Report, bearing production numbers ABBR 065721-ABBR 065768, dated Sept. 21, 1990.

7. **Exhibit 12** is a true and correct copy of a letter from T. Smurzynski to R. Fein and N. Afeyan, bearing production numbers ABBR 065769 – ABBR 065770, dated Feb. 21, 1995.

8. **Exhibit 15** is a true and correct copy BioChromatography Integration Training 1998, bearing production numbers ABBR 075887 – ABBR 075909, dated 1998.

9. **Exhibit 20** is a true and correct copy of a letter from J. Erickson to P. Merrill, bearing production number ABBR 040362, dated Nov. 29, 1990.

10. **Exhibit 23** is a true and correct copy of the 1995 Trade Show Schedule, bearing production numbers ABBR 048192 – ABBR 048193.

11. **Exhibit 24** is a true and correct copy of the 1995 Trade Show Schedule –

1 Biospectrometry Business Unit, bearing production number ABBR 048228, dated Dec. 12, 1994.

2 12. **Exhibit 30** is a true and correct copy of document entitled "Ad Schedule
3 1994," bearing production number BIO 020024, dated Dec. 15, 1993.

4 13. **Exhibit 31** is a true and correct copy of a memo from Duke Daulton
5 entitled "News Release Program," bearing production numbers BIO 020239 – BIO 020269, dated
6 Dec. 13, 1993.

7 14. **Exhibit 32** is a true and correct copy of the Bioseparations Ad Placement
8 Schedule, bearing production number ABBR 048189, dated Oct. 5, 1995.

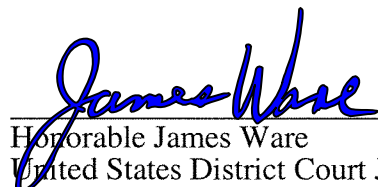
9 15. **Exhibit 34** is a true and correct copy of a an email from E. Scheinpflug to
10 M. Kurokawa, bearing production numbers BIO 022201 – BIO 022202, dated June 19, 1996.

11 16. **Exhibit 41** is a true and correct copy of document entitled "LSG Journal
12 Advertising Plan 1996," bearing production numbers BIO 018864 – BIO 018865, dated March
13 14, 1996.

14 17. **Exhibit 44** is a true and correct copy of the Trademark Expert Report of
15 Alan J. Cox, dated Oct. 10, 2005.

16 IT IS HEREBY ORDERED that the above documents in support of Defendants
17 Applera Corporation and Applied Biosystems' Motion for Summary Judgment on Trademark
18 Related Claims are to be filed under seal.

19
20 Dated: January 26, 2006



Honorable James Ware
United States District Court Judge